

Preliminary Decision Memo
Chetco River Kayaking Permit

USDA Forest Service
Rogue River-Siskiyou National Forest
Gold Beach Ranger District - Curry County, Oregon

BACKGROUND

A special use permit has been requested by Zachary Collier, Northwest Rafting Company, LLC, Hood River, Oregon, to authorize commercially guided kayaking trips on the Wild and Scenic segments of the Chetco River, including through the Kalmiopsis Wilderness.

When I received the special use application, I considered the review and preliminary decision one of the most important of my career. I have kayaked the Chetco River from Taggarts Bar to the wilderness boundary, and I believe this stretch of river is one of the jewels of the National Wild and Scenic River system. This stretch of river is unsurpassed in its primitive nature. It has an extreme amount of natural resources highlighted by water quality, aquatic habitat, geologic features and biological diversity, just to name a few.

Currently, there is no established commercial outfitting program for this stretch of river. As a result, I spent a significant amount of time reviewing the appropriate laws and management plans to arrive at a decision.

Most of the Chetco River proposed for kayaking is classified as “wild” under the Wild and Scenic Rivers Act. The Act states in section 2(b): “Wild river areas - - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.”

The wild segment of the Chetco River is also within the Kalmiopsis Wilderness Area. The Wilderness Act states in section 2(a), “...administered for the use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character...”. The Act also states at section 4(c) 5, “Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”

The above direction sets the bar high for proposals for commercial services given the objectives of providing primitive settings and maintaining wilderness character.

PURPOSE AND NEED

The purpose of the proposal is to authorize commercially-guided kayaking trips on the Wild and Scenic portions of the Chetco River, including through the Kalmiopsis Wilderness.

Currently there are no commercial services for kayaking trips on the Chetco Wild and Scenic River. Between 1997 and 2003 a kayaking outfitter operated under a permit similar to the one being requested. The outfitter discontinued trips after the 2002 Biscuit Fire. Inspections have located no trace of these previous trips.

MANAGEMENT DIRECTION

Activities on the Chetco River are administered under the Wilderness Act of 1964, the 1988 Wild and Scenic River Act, the Chetco Wild and Scenic River Management Plan, and the 1989 Siskiyou National Forest Land and Resource Management Plan, as amended.

The Siskiyou Land and Resource Management Plan states (p. IV-77), “The goal is to maintain the river environment in a natural state while providing for recreation opportunities.”

The Chetco Wild and Scenic River Management Plan states (p. 23), “The existing primitive character of the Wild section of the Chetco River will be maintained overall. This section will appear to be affected primarily by the forces of nature, with the imprint of human activities substantially unnoticeable.” The river plan identifies the outstandingly remarkable values as: recreation, water quality and fish.

PROJECT DESCRIPTION (Maps p. 8-9)

Maps of the location and trip route are on pages 8 and 9.

The Forest Service would issue a permit to allow commercially-guided kayaking trips on the Wild and Scenic segments of the Chetco River. Trips would start from the east edge of the Kalmiopsis Wilderness in Josephine County, traverse the river through the wilderness, and end west of the wilderness boundary in Curry County. No pack animals or mechanized/motorized equipment would be used.

Trips would be limited to 12 people per trip and not exceed 4 trips per season. They would occur from June 1st through September 30th. Duration would not exceed 5 days per trip. The permittee will be allowed 80 priority use days per year. A priority use day is defined as one day of use for any part of one day. For example, a 5-day trip with 4 people on the trip would be 20 priority use days. Exact trip duration, length, and timing would be dependent on water flow and snow pack.

Participants would begin at Chetco Pass in T38S-R10W-Section 12, hike 3 to 4 miles to the junction of Slide Creek and Chetco River, and then kayak the Chetco River for 18 to 24 miles through the Kalmiopsis Wilderness. Boat take-out would occur at either the Chetco River steel bridge in T38S-R12W-Section 28 or near Tolman Ranch in T38S-R12W-Section 11, depending on river flows.

The proponent would use leave-no-trace principles which are described and available for download at: <http://www.fs.usda.gov/detail/invo/learning/safety-ethics/?cid=stelprdb5196926>. These would include a human waste containment system to pack out all human waste. Camping

would occur on the gravel bars along the river. No noise above ambient levels would occur. Food would be stored to prevent access by wildlife.

There would be some clearing of existing Forest Service trails when needed to gain access. Clearing would comply with Forest Service standards using hand tools only and within existing cleared limits.

Mitigation Measures and Project Design Features – Mandatory measures to avoid or minimize impacts to resources are described in Attachment A. They include project design features and project design criteria identified by specialists and contained within applicable consultations. Also included are standards and guidelines from the Chetco Wild and Scenic River Management Plan and the 1989 Siskiyou National Forest Land and Resource Management Plan, as amended.

SCOPING AND PUBLIC INVOLVEMENT

A public notice was published in the Illinois Valley News, the Curry Coastal Pilot, and the Curry County Reporter announcing a public meeting on May 29, 2012, at the Best Western Beachfront Inn in Harbor, Oregon. Six people attended that meeting. All attendees were in favor of the proposal, and no negative comments were received. The Gold Beach Ranger District also received two written responses during the comment period which ended June 9, 2012.

Comments addressed Port-Orford-cedar root disease, water quality, fisheries, invasive species, wilderness character, leave no trace, access, trail clearing, human waste, safety, motorized use and camping.

REASONS FOR CATEGORICAL EXCLUSION

It is my decision to authorize this action, based on site evaluation and knowledge of resource specialists. This action will have either no or negligible adverse effects on wildlife, fish, botanical, recreation, fire or cultural resources. Mitigation measures have been designed to protect these resources, are easily implemented, and would be effective at maintaining effects below measurable levels.

Upon review and consideration of potential site-specific environmental effects, I find my decision to authorize the issuance of the Chetco River Kayaking permit will not result in any extraordinary circumstances because effects would be of limited context and intensity, and because I have determined that implementation will result in little or no adverse environmental effects to either the physical or biological components of the environment.

I find my decision to issue the Chetco River Kayaking permit will not individually or cumulatively have a significant effect on the quality of the human environment (40 CFR 1508.22). As a result, I am categorically excluding this action from documentation in an Environmental Impact Statement or Environmental Assessment per FSH 1909.15-2010-1, Chapter 30, **Section 32.2**, *Categories of Actions for Which a Project or Case File and Decision Memo Are Required*. My decision falls within category **(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land. [36 CFR 220.6(e)(3)].**

RELATIONSHIP TO EXTRAORDINARY CIRCUMSTANCES

There are no extraordinary circumstances that will warrant an environmental assessment (EA) or environmental impact statement (EIS). The following resource conditions have been considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS:

Endangered Species Act of 1973, as amended - Per the Endangered Species Act, federal activities cannot jeopardize the continued existence of any species listed or proposed for listing, nor result in the adverse modification of that species' critical habitat. The proposed activities would be in compliance with the provisions of that act.

Fisheries - The proposed use will have no effect on threatened, endangered or sensitive species and is in compliance with the Aquatic Conservation Strategy.

Wildlife - Activities would occur within suitable habitat and adjacent to known nesting sites for federally-listed marbled murrelets and northern spotted owls. No habitat or critical habitat for listed wildlife species would be removed or altered because no ground disturbance or tree removal would occur. Disturbance to nesting owls and murrelets would not occur because noise levels will not exceed ambient noise levels.

The Forest has determined that activities may affect, but are not likely to adversely affect, spotted owls and marbled murrelets. There would be no modification of critical habitat. Consultation with the U.S. Fish and Wildlife Service has been completed.

Botany - The project is limited in scope and nature; therefore, the potential for adverse impacts to threatened, endangered, or sensitive plants is negligible. The potential to spread non-native invasive plant species is near zero.

The potential for Port-Orford-cedar root disease spread is minimal because of the prescribed mitigation measures.

Wilderness - Wilderness character and the primitive setting would be maintained owing to the stringent mandatory mitigation measures and compliance monitoring.

Cultural Resources - There will be no effects on cultural resources because no ground disturbance will occur. Camping will take place on gravel bars and fire pans will be utilized with fires.

Other Resources - This project would not create measurable adverse effects on air quality, soil productivity, water quality, hydrological function, or visual resources because project design and mitigation measures would effectively eliminate the risk of impacts.

Wild and Scenic Rivers - Commercial kayaking activities would improve recreational opportunities on the Wild and Scenic Chetco River by offering a unique activity in an area with limited access. Activities would not measurably affect water quality or scenic attractions. Outstandingly remarkable values of water quality, fisheries, and recreation would be maintained.

Floodplains - The purpose of Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. This decision will not affect floodplains because there would be no occupancy or modification of floodplains.

Wetlands - The purpose of Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. The proposed project is not located in or near wetlands, so it will not affect wetlands.

CONSISTENCY FINDINGS

I find the Chetco River Kayaking permit is consistent with direction in the 1989 *Siskiyou National Forest Land and Resource Management Plan*, as amended. This action has been analyzed and designed under other laws, regulations and agreements applicable to the management of National Forest System lands and resources, including: 16 USC 1604(g)(3), 36 CFR 219.14 and 36 CFR 219.27 (b). I find this decision to be consistent with the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality regulations for implementing NEPA, 40 CFR 1500-1508, July 1, 1986; the Multiple-use Sustained Yield Act of 1960; and the National Forest Management Act of 1976. I also find this project to be in compliance with the Endangered Species Act of 1973, as amended, and the Historic Preservation Act.

ADMINISTRATIVE REVIEW OR APPEAL

In light of a recent court ruling (*Sequoia ForestKeeper v. Tidwell*, 11-cv-00679-LJO-DLB (E.D. Cal.)), the Forest Service will provide public notice, comment, and opportunity for administrative appeal for projects and activities documented with a "Decision Memo" (36 CFR 220.6(e)) until new instructions are issued by the Washington Office, or the Agency issues regulations addressing the Court's ruling. Only those who provide comment or express interest in this proposal during this comment period will be eligible to appeal the decision pursuant to 36 CFR part 215 regulations.

Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

Comments will be accepted for 30 calendar days following publication of legal notice in the Curry County Reporter, Gold Beach, Oregon. The publication date in this newspaper of record is the exclusive means for calculating the comment period. Those wishing to comment should not rely upon dates or timeframes provided by any other source. The regulations prohibit extending the length of the comment period. It is the responsibility of persons providing comments to submit them by the close of the comment period.

Electronic comments can be submitted to comments-pacificnorthwest-siskiyou-goldbeach@fs.fed.us. Written and hand-delivered comments must be submitted to: Bill Blackwell, Acting District Ranger, Gold Beach Ranger District, 29279 Ellensburg Ave, Gold Beach, OR 97444; or faxed to (541) 247-3617. Business hours are: 8:00 AM-4:30 PM, Monday through Friday, excluding holidays. Oral comments must be submitted during normal business hours via telephone (541) 247-3640 or in person. In cases where no identifiable name is attached

to a comment, a verification of identity will be required for appeal eligibility. If using an electronic message, a scanned signature is one way to provide verification.

PRELIMINARY DECISION

As Responsible Official of the Gold Beach Ranger District, I have made the preliminary decision to authorize the issuance of a special use permit to Zachary Collier with the Northwest Rafting Company, LLC. This permit will allow 80 priority use days per year as described above.

This decision has a significant number of stringent requirements which are necessary to maintain the primitive setting and wilderness character of this area.

A special use permit and operating plan will be agreed upon and signed by the permit holder and Forest Service Designated Officer.

Authorization:

ALAN VANDIVER
District Ranger
Gold Beach Ranger District
Rogue River-Siskiyou National Forest

DATE

For Further Information Contact:

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Gold Beach, OR 97444
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ATTACHMENT A – MITIGATION MEASURES & DESIGN FEATURES

Mitigation Measure/Design Feature	Objective
Wildlife	
Do not exceed ambient noise levels.	Prevent disturbance to federally-listed wildlife species.
Keep food stored to prevent access by wildlife, especially corvids (jays, crows and ravens).	Prevent impacts to wildlife from predators.
Do not feed wildlife and dispose of all garbage and food scraps.	Prevent wildlife-human interactions.
Wilderness	
Campfires only allowed on fire pans when seasonal restrictions allow. Ashes and unburned residue will be packed out.	Leave no trace.
Trail clearing will only be completed by hand tools within the existing clearing limits.	Maintain wilderness character.
No pack animals will be utilized.	Leave no trace.
No motorized/mechanized equipment will be utilized within the wilderness.	Maintain wilderness character.
No caches will be allowed.	Maintain wilderness character.
Camping will only occur on gravel bars.	Leave no trace.
Water Quality	
A human waste containment system will be used to pack out all human waste.	Maintain water quality.
Invasive Plants	
Before entering National Forest lands, the permittee is required to clean the undercarriage, tires, wheels and other parts of motor vehicles to prevent the spread of seed from off-forest areas.	Prevent transport and introduction of invasive plants from off-forest.
Port-Orford-cedar	
Wash project equipment before entering National Forest land the first time entered each season.	Reduce the risk of spread of POC root disease.
Motorized use on Forest Service Road 4103-087 will only be allowed when the gate is open; no special provisions will be made for motorized access for this permit.	Reduce the risk of spread of POC root disease.
Safety	
Chief of party will have at least one successful run down the Chetco River from Slide Creek to the wilderness boundary.	Trip safety.
A medical evacuation plan will be required and approved by the Forest Service in the Operating Plan.	Trip safety.
At least one guide will have a current Wilderness First Responder certificate.	Trip safety.
The permittee will carry at least two electronic communication systems (e.g., satellite radio, spot messenger etc.).	Trip safety.
Access	
Utilize existing Forest Service system roads and trails.	Utilize existing routes.

